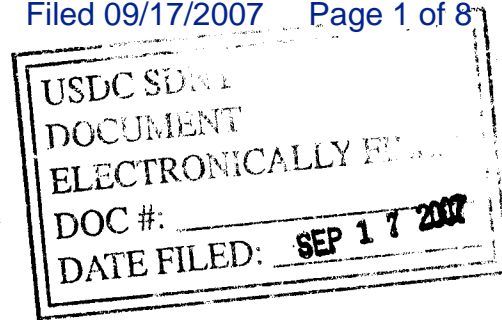


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

- v. -

ANNIE LIU,  
a/k/a "Yunliu Liu,"  
a/k/a "Yun Liu,"

Defendant.

INFORMATION

07 CRIM 878

COUNT ONE

(Conspiracy to Commit Copyright Infringement)

The United States Attorney charges:

Overview

1. At all times relevant to this Information, Nintendo of America ("Nintendo") was a company that, among other things, developed and marketed video games. As part of its business, Nintendo obtained and maintained copyrights on its video games, and licensed other companies to manufacture video games that are compatible with hardware produced by Nintendo. Video games developed and manufactured by Nintendo or its licensees were proprietary to Nintendo and/or its licensees. Below is a chart of thirteen video games, proprietary to Nintendo, which lists the recordation and registration numbers issued by United States Customs and Border Protection for each video game's copyright:

<u>Title</u>	<u>Registration #</u>	<u>Recordation #</u>
Balloon Fight	PA 247-651	COP-88-00333
Baseball	PA 219-072	COP-84-00196
Clu Clu Land	PA 246-926	COP-87-00045
Donkey Kong	PA 115-040	COP-87-00049
Duck Hunt	PA 254-151	COP-88-00334
ExciteBike	PA 254-906	COP-88-00335
Hogan's Alley	PA 260-315	COP-88-00336
Ice Climber	PA 254-907	COP-87-00043
Mario Brothers	PA 178-079	COP-88-00330
Popeye	PA 154-248	COP-83-00051
Soccer	PA 288-502	COP-87-00040
Tennis	PA 204-665	COP-88-00331
Wild Gunman	PA 284-965	COP-88-00337.

2. During all times relevant to this Information, various individuals and companies engaged in a practice of illegally copying or "pirating" video games manufactured by Nintendo or its licensees, and would sell those pirated versions of the video games throughout the world. The pirated video games often were sold in pre-packaged video game consoles. The pirating of Nintendo video games each year resulted in the loss to Nintendo of millions of dollars in revenue.

3. From at least in or about September 2004, until on or about March 14, 2005, Lijing Bao, a/k/a "Jean," a co-

conspirator not named as a defendant herein, was engaged in the wholesale business of selling, among other things, toys and games. Bao carried on this business through two companies: Wheel Enterprises, Inc., ("Wheel") and BMC Imports ("BMC") (collectively, the "Companies"), both of which conducted business from offices located at 381 Troutman Street, Brooklyn, New York. Bao held herself out as an owner of the Companies. Wheel and BMC were engaged in, among other things, importing into the United States thousands of video game consoles, which Wheel and BMC then sold to buyers in the United States.

4. At all times relevant to this Information, Weiwei Zuo, a/k/a "Vivian," a co-conspirator not named as a defendant herein, and ANNIE LIU, a/k/a "Yunliu Liu," a/k/a "Yun Liu," the defendant, worked as salespersons for the Companies selling, among other things, video game consoles to buyers throughout the United States, including to buyers in the Southern District of New York.

5. Since at least in or about September 2004, through on or about March 14, 2005, ANNIE LIU, a/k/a "Yunliu Liu," a/k/a "Yun Liu," the defendant, Lijing Bao, a/k/a "Jean," and Weiwei Zuo, a/k/a "Vivian," co-conspirators not named as defendants herein, and other employees of the Companies engaged in a scheme to sell pirated Nintendo video games, which video games were included in pre-packaged video game consoles. At all relevant times, the consoles containing pirated video games sold by the

defendant and her co-conspirators were marketed under various names, including "Power Games Super Joystick Game," "Power Player," and "Super Games" (collectively "Game Consoles"). Each Game Console generally contained between approximately 75 to 100 pirated video games, including the video games "Donkey Kong," "Mario Brothers," "Duck Hunt," "Baseball," and others listed in the chart found in paragraph 1 above.

### **Statutory Allegations**

6. From in or about September 2004, through on or about March 14, 2005, in the Southern District of New York and elsewhere, ANNIE LIU, a/k/a "Yunliu Liu," a/k/a "Yun Liu," the defendant, Lijing Bao, a/k/a "Jean," and Weiwei Zuo, a/k/a "Vivian," co-conspirators not named as defendants herein, and others known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, violations of Title 17, United States Code, Sections 506(a)(1) and (a)(2), and Title 18, United States Code, Sections 2319(a), (b)(3), and (c)(3).

7. It was a part and an object of the conspiracy that ANNIE LIU, a/k/a "Yunliu Liu," a/k/a "Yun Liu," the defendant, Lijing Bao, a/k/a "Jean," and Weiwei Zuo, a/k/a "Vivian," co-conspirators not named as defendants herein, and others known and unknown, knowingly, willfully, and unlawfully would and did infringe copyrights for the purposes of commercial advantage and

private financial gain, by the reproduction and distribution, including by electronic means, during a 180-day period, of one and more copies of one and more copyrighted works, which have a total retail value of more than \$1,000, in violation of Title 17, United States Code, Sections 506(a)(1) and (a)(2), and Title 18, United States Code, Sections 2319(a), (b)(3), and (c)(3).

**Overt Acts**

8. In furtherance of said conspiracy, and to effect the illegal object thereof, ANNIE LIU, a/k/a "Yunliu Liu," a/k/a "Yun Liu," the defendant, Lijing Bao, a/k/a "Jean," and Weiwei Zuo, a/k/a "Vivian," co-conspirators not named as defendants herein, and others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere.

a. Between in or about September 2004 and in or about December 2004, Bao caused the Companies to import into the United States approximately 27 high-quantity cargo containers containing Game Consoles.

b. On or about February 9, 2005, Zuo spoke by telephone with an undercover agent (the "UC") working for the Federal Bureau of Investigation ("FBI") who was located in New York, New York, about selling to the UC quantities of Game Consoles, which contained illegally pirated software belonging to Nintendo.

c. On or about February 14, 2005, Zuo spoke by

telephone with the UC, who was in New York, New York, about selling to the UC Game Consoles.

d. On or about February 15, 2005, Zuo spoke by telephone with the UC about selling to the UC approximately 500 Game Consoles.

e. On or about February 23, 2005, LUI sold approximately 100 Game Consoles to a buyer located in New York, New York.

f. On or about February 24, 2005, Zuo and LUI, together with co-conspirators not named as defendants herein, met with the UC, and sold the UC approximately 300 Game Consoles for approximately \$2,400.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Copyright Infringement)

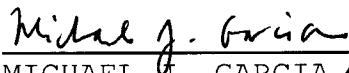
The United States Attorney further charges:

9. The allegations in paragraphs 1-5 and 8 are repeated, re-alleged and reincorporated as if set forth fully herein.

10. From in or about September 2004, through on or about March 14, 2005, in the Southern District of New York and elsewhere, ANNIE LIU, a/k/a "Yunliu Liu," a/k/a "Yun Liu," the defendant, unlawfully, willfully, and knowingly did infringe copyrights for the purposes of commercial advantage and private financial gain, by the reproduction and distribution, including

by electronic means, during a 180-day period, of one and more copies of one and more copyrighted works, which have a total retail value of more than \$1,000, to wit, on or about February 23, 2005, LIU sold approximately 100 pirated Game Consoles to a buyer located in New York, New York.

(Title 17, United States Code, Sections 506(a)(1)  
and (a)(2), Title 18, United States Code,  
Sections 2319(a), (b)(3), (c)(3) and 2)

  
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MICHAEL U. GARCIA /MAA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

ANNIE LIU,  
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Defendant.

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**INFORMATION**

01 Cr. 836 (CLB)

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MICHAEL J. GARCIA  
United States Attorney

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William J. Stellmach  
Assistant United States Attorney  
(212) 637-2101

RL  
9/17/07

Def. Annie Liu present w/counsel George Goltzger, William Stellmach present for the gov & interpreter also present. Def Annie Liu enters a plea of guilty to a two count ~~and~~ information. court accepts plea. Sentencing set as a control date for 12/10/07 at 5:00 PM; Def's bail status is unchanged. No PSI ordered.

7. Maas, USMJ